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5 *Attorney for Plaintiff*

THE HONORABLE RICHARD A. JONES

8 UNITED STATES DISTRICT COURT
 9 FOR THE WESTERN DISTRICT OF WASHINGTON

10 SWINOMISH INDIAN TRIBAL COMMUNITY,))))))
)	Civ. No. C07-1348-RAJ				
11 Plaintiff,)					
12 v.)	STIPULATED MOTION TO APPROVE				
13 SKAGIT COUNTY DIKE DISTRICT NO. 22,)	SECOND AMENDED CONSENT DECREE;				
14 BOARD OF COMMISSIONERS OF SKAGIT)		[PROPOSED] ORDER APPROVING				
15 COUNTY DIKE DISTRICT NO. 22,)	SECOND AMENDED CONSENT DECREE				
16 STANLEY E. NELSON, NOLAN LEE,)	NOTE ON MOTION CALENDAR:				
CURTIS B. WYLIE, ROBERT A. HUGHES,)	FRIDAY, OCTOBER 12, 2012				
and DAVID HUGHES,)					
17 Defendants.)					
18)					

19 Pursuant to the Court's September 5, 2008 summary judgment order, plaintiff Swinomish
 20 Indian Tribal Community ("Tribe") and defendants Skagit County Dike District No. 22, et al.
 21 ("District") jointly move this Court to adopt the attached Second Amended Consent Decree
 22 settling the remedy for the District's violations of the Clean Water Act ("CWA") and
 23 Endangered Species Act ("ESA"). The Second Amended Consent Decree, which is lodged
 24 herewith as Exhibit 1, represents a good faith settlement of the remaining disputed issues in this
 25 case and is consistent with and advances the goals of the CWA and ESA.

26 The parties have submitted the attached Consent Decree to the federal government for

27 STIPULATED MOTION TO APPROVE SECOND AMENDED
 CONSENT DECREE; [PROPOSED] ORDER APPROVING
 28 SECOND AMENDED CONSENT DECREE (C07-1348-RAJ) - 1 -

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comment. The parties have agreed to make changes to their proposed amended consent decree at the request of the federal government, and those changes are reflected in the second amended consent decree attached to this motion. The parties have been informed that because the government's proposed changes have been agreed to by the parties, the government has no objection to the entry of this second amended consent decree, and intends to inform the Court of its position by letter shortly. **Accordingly, the parties respectfully request that the Court enter this Second Amended Consent Decree at its earliest convenience after the noting date for this motion.**

Respectfully submitted this 5th day of October, 2012.

s/ Jan Hasselman
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STIPULATED MOTION TO APPROVE SECOND AMENDED
 CONSENT DECREE; ~~PROPOSED~~ ORDER APPROVING
 SECOND AMENDED CONSENT DECREE (C07-1348-RAJ) - 2 -

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1 **[PROPOSED] ORDER APPROVING SECOND**
2 **AMENDED CONSENT DECREE**

3 The Second Amended Consent Decree is hereby APPROVED.

4 DATED this 15th day of October, 2012.

5 
6

7 The Honorable Richard A. Jones
8 United States District Judge